

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte THOMAS LEOUTSAKOS

Application Number: 09/556,157

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APR 25 2003

GROUP 3600

APPLICANT'S RESPONSE TO ORDER MAILED MARCH 24, 2003  
RETURNING AN UNDOCKETED APPEAL TO THE EXAMINER

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BOARD OF PATENT APPEALS  
AND INTERFERENCES

The application received at the Board of Patent Appeals and Interferences on March 13, 2003 has been returned to the examiner because a review of the application has indicated that it is not ready for docketing as an appeal because the brief filed September 16, 2002 (Paper No. 10) has been deemed defective under 37 CFR § 1.192 (d) because it failed to comply with the provisions of the rule pertaining to the "real party in interest".

Although in accordance with The Manual of Patent Examining Procedure (MPEP) § 1206 (8<sup>th</sup> Ed., August 2001), the examiner assumed that the real party in interest is the individual identified in the caption, the Board may require the appellant to explicitly name the real party in interest.

The explicit naming of the real party in interest will avoid further delays in the appeal process, since the Board will otherwise require appellant to explicitly identify the real party in interest.

Accordingly, the real party in interest is explicitly named as the appellant, Thomas Leoutsakos.

The Order returning the application to the examiner not only requires resolution of the issue regarding the "real party in interest," and for such further action as may be deemed appropriate.

Applicant believes that a review of the application will indicate that the claims define an invention that is patentable over the art of record.

Respectfully submitted,

By: 

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